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| 10/801,438 | 03/15/2004 | J. Gilmore Childers | G08,129/U | 3078 |
| 28962 7590 04/17/2008 BUCKLEY, MASCHOFF & TALWALKAR LLC 50 LOCUST AVENUE NEW CANAAN, CT 06840 | | | | |
| EXAMINER | | | | |
| LIE, ANGELA M | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/801,438

Applicant(s)

CHILDERS ET AL.

Examiner

ANGELA M. LIE

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ryan et al (US 20040215793).**

As to claims 1, 5 and 10. Ryan discloses a computer-implemented method for managing risk through link analysis mapping, the method comprising: receiving into a memory of a computer system information descriptive of two or more persons (paragraph 262, wherein clearly the group or private network includes more than one user); generating in the computer system links associating two or more persons based upon the received information (paragraph 265 and paragraph 2), wherein the links indicate a relationship between the two or more persons (Figure 11); receiving into the

memory of the computer system an identifier identifying person; and generating in the computer system a link associating the identified person with one or more other persons (paragraph 313, wherein the user is an identified person and friends are other persons); and outputting an indication of the link associating the identified person with the one or more other persons (paragraphs 105 and 113) and an indication of one or more disconnects (paragraph 72 and paragraph 106, i.e. dotted line) between the identified person and the one or more other person (paragraphs 53, 103, 104 and 106) wherein the disconnect indicates a separation in time regarding the link associating the identified person with the one or more other persons (paragraph 106, wherein dotted line shows time separation between individuals, in other words, the user and other persons did not speak in a long time or never spoke, wherein both of those options are associated with time separation).

Note regarding claim 5, Ryan also teaches a computer server (Figure 1, element 2) accessible with a system access device via a communication network; and executable software stored on the server and executable on demand (software that allows the server to connect the user end with the website (10)).

As to claim 2, Ryan discloses the method comprising the step of receiving into the computer system an indication of a particular type of link to be analyzed (paragraph 129, based on the specified attributes/links possible candidates' profiles are analyzed in order to determine if they are a good match).

As to claims 3, 8 and 11, Ryan discloses the method comprising the step of indicating in the computer system a degree of separation between the identified person and the linked person (paragraph 275).

As to claims 4, 9, 12 and 14, Ryan discloses a method wherein the person comprises at least one of: an individual, a group, an organization, a corporation and a entity (paragraph 113).

As to claim 6, Ryan discloses a computerized system wherein the system access device comprises at least one of a computer and a personal digital assistant (Figure 1, elements 6 and 7).

As to claim 7, Ryan indirectly disclosed a computerized system wherein the communications network conforms to the transmission control protocol/internet protocol (Figure 1, element 4, wherein internet has internet protocol in order to be able to transfer data between nodes).

As to claim 13, Ryan discloses a method of interacting with a network access device so as to manage risk, the method comprising the steps of: transmitting from the network access device a description of a person (Figure 1 and paragraph 262, wherein clearly the group or private network includes more than one user); transmitting from the network access device an indication of a degree of separation for which links to the person are desired (paragraph 275); receiving at the network access device an indication of links to one or more other person (paragraph 265 and paragraph 2); receiving at the network access device a description of each link (paragraphs 51 and 66).

Response to Arguments

4. Applicant's arguments filed January 4, 2008 have been fully considered but they are not persuasive.

With respect to the Applicant's assertion on page 8, first paragraph, stating that "Ryan's dotted lines specifically refer to "interconnects" and not the claimed disconnects. Further, even though Ryan discloses "if two nodes exist independently in the database system or a unique, private personal network with no intermediate nodes connecting, they are said to be "disconnected" (Ryan, paragraph 72) there is no disclosure or even a suggestion that the mentioned "disconnects" are visually indicated by a dotted line. Again, Ryan specifically discloses and teaches an interconnect specifically and visually illustrated by a dotted line to indicate entities have been invited but not joined a user's private, personal network", while the Examiner agrees that Ryan teaches cited passages, at the same time the Examiner disagrees with the Applicant's view point. In particular, the Applicant asserts that the disconnects can not be represented by the dotted lines because there is no teaching of this event happening in the cited prior art, however according to the cited passage if two individuals "exist independently with no intermediate nodes connecting, they are said to be disconnected". So if one of those individuals decides to contact another person, then the dotted line indicating the link between those two individuals would be created. At this point those two individuals are connected, in that at least one of them expressed interest in contact, but at the same time they are still disconnected in time because they did not have a chance to communicate. Consequently, the Examiner asserts that the

dotted line, so often mentioned by the Applicant himself, represents link and disconnection, in other words, the line indicates that there is link between those two individuals and dotted aspect shows that there is disconnection in time (i.e. they never spoke to each other or at least recently).

Furthermore, on the same page, the Applicant alleges that "Ryan does not disclose or suggest any time limitation or consideration regarding the "dotted lines indicating entities who have been invited but they have not joined the user's unique, private personal network". Ryan specifically and only (i.e. merely) states that the entities visually linked by dotted have not joined, without reference to or dependence on a time frame or separation in time. Unlike the example provided in Applicant's Specification where a "disconnect" is provided to illustrate a relationship between two members belong to a board of directors but at separate and distinct different times, the Ryan disclosed dotted line scenario specifically indicates "entities who have been invited but they have not joined the user's unique, private personal network"". The Examiner disagrees with the Applicant. Any type of disconnection is associated with time. Whether two individuals never talked to each other previously or whether those two people did not communicate for predetermined period of time, does not change the fact that both of those disconnects (i.e. lack of contact) are associated with time. Moreover, the Applicant himself states that "unlike the example in the specification where a "disconnect"", this is clearly an example and not a definition of the term "disconnect", therefore in order to allot it patentable weight the Applicant should include those limitations in the body of the claim. Consequently, the Examiner maintains that the prior

art's dotted line indicating "entities who have been invited but have not joined the user's unique, private personal network" does indeed represent disconnection in time.

The Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Gordon (US Publication 20030078976) discloses a method and apparatus for linking users' profiles based on the specified attributes.
- De l'Etraz et al (US Patent No. 6073138) disclose a system and method for providing relational patterns between entities.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Inquiry

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela M. Lie whose telephone number is 571-272-8445. The examiner can normally be reached on M-F.
8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Angela M Lie/
Examiner, Art Unit 2163

/don wong/

Supervisory Patent Examiner, Art Unit 2163